

FILED

5/4/2020

U.S. DISTRICT COURT
24-HOUR DEPOSITORY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Sensa Verogna, individual

)

COMPLAINT AND

Plaintiff,

)

MOTION TO PROCEED

)

ANONYMOUSLY

)

)

Case #: _____

)

v.

)

JURY TRIAL DEMANDED

Twitter Inc.,

)

Defendant.

)

Plaintiff, pro se, belonging to and a member of the white or non-Hispanic race ("white") and proceeding anonymously as Sensa Verogna, ("Sensa") for his Complaint against Defendant, Twitter, Inc., ("Twitter"). alleges as follows:

I. PRELIMINARY STATEMENT

1. Twitter promulgated its policies for the specific reason of removing whites' tweets and accounts and severed services within its ongoing User Agreement ("contract") with Sensa and suspended for life most, if not all, of Sensa's @BastaLies account services and access into its public accommodation for life (collectively referred to as ("banned")), because Sensa is white and

24 tweeted, posted, communicated, acted, displayed, behaved and portrayed himself to be a white
25 person. Additionally, in a role traditionally left exclusively to local governments and under the
26 color and authority of 47 U.S.C. §230. (“§230”), Twitter violated Sensa’s Free Speech Rights by
27 censoring and regulating Sensa’s tweets and behaviors and then in retaliation for the tweet, violated
28 Sensa’s Rights of Assembly when it banned him from a Public Forum and other Designated Public
29 Forums, (“DPF(s)”). All in violation of Sensa’s rights under the US Constitution and the New
30 Hampshire Constitution.

31 II. PARTIES

32 2. Sensa is, and at all times material herein, a natural white person, years over the age
33 of 18, residing and working in Hillsborough County, New Hampshire and is a member of the white
34 or non-Hispanic, “white” race.

35 3. Sensa works, resides, accessed Twitter’s services and signed the Twitter contract,
36 in Hillsborough County, New Hampshire, as do many other New Hampshire residents and
37 businesses residing and working in New Hampshire such as Sen. Maggie Hassan @SenatorHassan,
38 Chris Sununu @GovChrisSununu, NHDOT @NewHampshireDOT, New Hampshire PBS
39 @NHPublicTV, Sen. Jeanne Shaheen@SenatorShaheen and thousands of others who actively
40 contract with Twitter through its contract.

41 4. Twitter, Inc. is headquartered in San Francisco County, CA and, has sufficient
42 contacts and is regularly, continuously and systematically engaged in the pursuit of general
43 business activities in Hillsborough County, New Hampshire, where the injuries to Sensa occurred.

44 5. Twitter, through its CEO, Jack Dorsey, “Dorsey”, officers, directors, managers,
45 agents, employee’s or other partners, journalists, contractors, subcontractors or actors, (herein,
46 collectively known as “Twitter” or collectively as (Twitters’ “Workforce”)) is, and at all times

material herein, was a corporation duly organized under the laws of the State of Delaware with its principal place of business, owned, leased or operated at 1355 Market St #900, in San Francisco, California. Additional facilities owned, leased or operated by Twitter are located in Washington, DC, New York, NY, Atlanta, Georgia, Los Angeles, California and in various other cities throughout the US. Twitter conducts regular, sustained business activity at all these facilities and also conducts daily contract and advertising business within Hillsborough County, New Hampshire through its online public forum. At all times mentioned herein, Dorsey and Twitters Workforce, were actual or apparent agents of Twitter were fully aware of Twitters un-written discriminatory policies and policing actions or activities against Sensa and generally to whites belonging to the white race.

6. Twitter generates most all of its revenues by selling advertising on its public forum. In the year ended December 31, 2017, Twitter's total revenue was \$2.44 Billion Dollars. Of that sum, \$2.11 Billion Dollars consisted of revenue received from advertising. (See Exhibit A- Mindi for Congress Advertising Receipts.)

7. Non-Party, Bon Appétit Management Company (hereinafter, (“@Bon Appétit”) is a Palo Alto, California-based on-site food services company, which, at all times material herein, operates on-site, and within Twitter’s San Francisco facility. Additionally, @Bonnepetweet, a private bakery and sandwich shop which affects commerce within the meaning of 42 U.S.C. § 2000a(b)4 , (c)(4) and NH Rev Stat § 155:39-a II, and is located within Twitters facility in San Francisco, is open to the public and is principally engaged in selling food for consumption on the premises. (See Exhibit C- Bon Appetite Business Registration and Exhibits P-5 and P-6.)

III. JURISDICTION AND VENUE

8. Sensa re-alleges and incorporates by reference each and every paragraph, tweet, article, exhibit or attachment included in this document as though set forth fully herein.

9. This Court has federal question jurisdiction over the claims asserted under 28 U.S.C. §1331 and 42 U.S. Code § 2000a–6 as these claims arise under the United States Constitution and laws of the United States and under 28 U.S.C. § 1332, § 1332(a)(1) because it is an action between citizens of different states and the amount in controversy in excess of \$75,000. Jurisdiction to grant injunctive relief, restitution, disgorgement, civil penalties or other equitable relief is conferred through 42 U.S.C. §1981, 42 U.S. Code § 2000a and NH Rev Stat § 354-B:3 (2016). This Court also has supplemental jurisdiction through 28 U.S.C. § 1367 regarding State law and State Constitutional claims.

10. Venue is proper in this Court under 28 U.S.C. § 1391 because all of the events, acts, and/or omissions giving rise to Sensa's claims transacted over a computer network via a web-site accessed by a computer in the State of New Hampshire and that Twitter is regularly, continuously and systematically engaged in pursuit of general business activities and has purposefully avail[ed] itself of the privilege of conducting activities within the forum State with sufficient contacts and active contracts in Hillsborough County, New Hampshire, thus invoking the benefits and protections of its laws.

11. Sensa has provided written notice to the appropriate State Authority by registered mail, has waited the duration of the 30 days prescribed, and is entitled to remedies available in 42 U.S. Code § 2000a-3. (See Exhibit C- Notice to Attorney General and Receipt.)

IV. CONTRACT

12. On or about March 2019, Sensa signed a Contract or a Twitter User Agreement otherwise commonly referred to as an "Adhesion" Contract. (See Exhibit D-1, Twitter User

Agreement), for online public forum services with Twitter through its website Twitter.com. A contract similar to similarly situated users of Sensa. Pertinent parts of the contract state;

3. Content on the Services

Twitter Terms of Service. Your Rights and Grant of Rights in the Content. You retain your rights to any Content you submit, post or display on or through the Services. What's yours is yours — you own your Content (and your incorporated audio, photos and videos are considered part of the Content).

6. General

We may revise these Terms from time to time. The changes will not be retroactive, and the most current version of the Terms, which will always be at twitter.com/tos, will govern our relationship with you. We will try to notify you of material revisions, for example via a service notification or an email to the email associated with your account. By continuing to access or use the Services after those revisions become effective, you agree to be bound by the revised Terms.

The laws of the State of California, excluding its choice of law provisions, will govern these Terms and any dispute that arises between you and Twitter. All disputes related to these Terms or the Services will be brought solely in the federal or state courts located in San Francisco County, California, United States, and you consent to personal jurisdiction and waive any objection as to inconvenient forum."

13. Twitter's Contract Venue Forum Clause. "VFC" is invalid as it acts as an impermissible prospective waiver of federal and state statutory and Constitutional rights which left Sensa with no ability to negotiate and would be against public policy in this case because Twitter has the ability to change the terms of the VFC and Sensa's contract at any time, and at its sole discretion, and with such unilateral power to change the VFC, makes the VFC "illusory"--and thus unenforceable. This VFC seeks to interfere, obstruct or pervert 28 U.S. Code § 1391 in the administration of justice of discriminatory injury claims to residents of New Hampshire by stating in the contract that "all disputes" be settled in a particular, out of state, forum and was designed to discourage parties like Sensa, who have zero bargaining, zero lack of choice, power or the

127 mental capacity to understand the Federal and State Constitutional rights he may have been giving
128 up at the time, or within the time, he sign the contract, from filing any lawsuit against Twitter. To
129 allow the VFC in this case would be procedural unconscionability and promote this type of breach
130 of the discrimination laws and of the policies behind these laws and would also allow Twitter to
131 insulate themselves from their own negligence and/or wrongful discriminatory behavior and also
132 reward Twitter by having lawsuits where it's power is most influential and would also tend to harm
133 or severely damage the Citizens of New Hampshire and Sensa and would be unreasonable,
134 fundamentally unjust, immoral and unfair to expect any plaintiff to bring discrimination claims
135 3,000 miles away from where the discriminatory acts and Constitutional violations took place.

136 14. As of December 5, 2019, Twitter banned Sensa from using many of the services
137 offered at Twitter.com. Sensa has a substantive right to obtain effective access to Twitter's public
138 accommodation and forum, to make purchases, sign additional contracts, learn about products, and
139 enjoy the other goods, services, accommodations, and privileges Twitter's facilities and public
140 forum provide to the general public without discrimination due to his race.

141 15. Twitter has stated publicly, "The cost per follower on Twitter is set by a second
142 price auction among other advertisers. A bid of \$2.50 - \$3.50 is recommended based on historical
143 averages." Twitter also recognizes that "accounts are assets owned solely by their owners, which
144 account owners may sell or assign to others." Twitter's users are thus actual and potential buyers
145 and customers through its contract with Twitter.com.

146 16. Currently, Sensa can still log into this account but the cover photo depicting a
147 "MAGA 2.0" graphic is blocked out, all of his materials, pictures, memes, dates, contacts, posts,
148 replies, direct messages and the approximately 5,001 accounts followed and the approximately
149 3,800 accounts that followed Sensa are both zeroed out and completely missing resulting in a

skeleton like timeline and a followers' loss to Sensa in the amount of \$9,500 to \$13,300. Sensa has also learned that his account does not exist to anyone but Twitter. (See Complaint at ¶ 15 and Exhibit E- Sensa's Twitter Profile Page)

17. Because Twitter has banned Sensa's contract, he is no longer able to use Twitter's services or to perform even the simplest functions such as tweeting, re-tweeting or replying using words, pictures, mems, gif's, charts, emojis. follow others, follow Politian's and State and Federal Representatives and gain any new followers replying using words, pictures, gif's, charts, emojis. follow others and gain any new followers and utilize Twitter live feed, receiving or sending messages. profile editor, analytics, promote mode, or analytics services, including the purchase of any advertising or run ads to reach a larger audience or the use of various marketing, business, software & advertising products & services to help build and grow "his" brand.

18. Twitter took disciplinary actions pertaining to Sensa's contract on 2 occasions;

a. On November 7, 2019 Twitter locked Sensa's Twitter account for allegedly violating Twitter rules stating, in part;

"You may not promote violence against, threaten, or harass other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease." (See Exhibit F-1, Sensa's Suspensions.)

for posting a Tweet that stated;

"If I had special powers I would reach through that video and Bitch slap that commie Bitch who is yelling like a 3-year old!!!"
(See Exhibit F-1, Sensa's Suspensions.)

b. And on December 5, 2019, Twitter banned Sensa's Twitter account for allegedly violating Twitter rules and states, in part;

You may not engage in the targeted harassment of someone, or incite other people to do so. This includes wishing or hoping that someone experiences physical harm. AND “if you attempt to evade a permanent suspension by creating new accounts, we will suspend your new accounts.” (See Exhibit F-2, Sensa’s Suspensions. See Exhibit F-3 for context.)

for posting a Tweet that stated;

Ya, let’s all get all cutesy with a fken #Traitor who should be hung if found guilty!! (See Exhibit F-2, Sensa’s Suspensions. See Exhibit F-3 for context.)

19. Initially, Sensa sought to enforce his contract for services with Twitter on 2 occasions:

a. On November 7, 2019, Sensa appealed to Twitter to “un-lock” his account (contract) stating, inter alia, “that other users (being Non-White) have posted similar tweets and that no actions were taken on their accounts.”

b. And on December 7, 2019, Sensa appealed to Twitter to “un-suspend” his account (contract) stating, inter alia, that he did not believe his tweet had not violated Twitter rules for simply reciting US Code and that “A traitor who is found guilty would or could be hung if found guilty.” (See Exhibit G, Sensa’s Appeal to Twitter.)

20. Twitter denied both appeals;

a. On November 7, 2019, Twitter denied Sensa’s appeal and locked Sensa’s Twitter account for a period of exactly 7 days.

b. On December 5, 2019, Twitter acknowledged Sensa’s appeal. (See Exhibit H- Sensa’s Appeal Received and Denied), and on December 7, 2019, Twitter banned services to Sensa stating, in part;

“Your account has been suspended and will not be restored because it was found to be violating the Twitter Terms of

Service, specifically the Twitter Rules against participating in targeted abuse.”

“In order to ensure that people feel safe expressing diverse opinions and beliefs on our platform, we do not tolerate abusive behavior. This includes inciting other people to engage in the targeted harassment of someone.”

V. 42 U.S.C. §1981

21. Sensa’s two “actioned” tweets were not in violation of Twitter’s;

a. Hateful conduct policy as these tweets were not based on race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age or disability. Additionally, the slang word “Bitch” does not always denote gender or gender identity. (See Exhibit D-2, Twitters Hateful Conduct Policy.)

b. Abusive behavior policy as neither tweet was an attempt to harass, intimidate, or silence some else’s voice as the second Tweet invokes the word “Should” meant to soften a direct statement that eg. “Traitors should be hung found to be guilty of treason”. When viewed in the context of a larger political conversation of the death penalty, this tweet is not threatening. Additionally, Sensa was not engaging in primarily abusive behavior through his account to justify a permanent suspension of Twitter’s services; (See Exhibit D-3, Twitters abusive behavior policy.)

c. the tweets certainly weren’t glorifying, celebrating, praising or condoning violent crimes or violent events in violation of Twitters policies. See Exhibit D-4, Twitter’s glorification of violence policy. (Collectively Exhibits D-1 through D-4, “Health Policy”)

22. There is no reasonable justification for Twitter to delete the two actioned tweets or to ban Sensa’s contract under its Health Policy as neither of the two actioned tweets were egregious in plain sight or in a wider view or context to justify its most severe enforcement action which

banned Sensa's contract and removes him from global view in a public forum and without access or use of a political designated public spaces. Sensa will also not be allowed to create new accounts or contracts.

23. The Republican Party is generally associated with social conservative policies. Republican and Republican-leaning voters continue to be overwhelmingly white: 83% of Republican registered voters are white non-Hispanics with conservative beliefs, similar to Sensa's. (See *Pew Research Center study at <https://www.people-press.org/2016/09/13/1-the-changing-composition-of-the-political-parties/>*)

24. Twitter is aggressively taking action by limiting, locking or suspending users' contracts for reasons such as abuse, hate and white nationalism.

a. The Jan-June 2018 Report from Twitter showed 6,229,323 unique accounts were reported for possible violations of the Twitter Rules where actions were taken against 605,794 accounts during this reporting period. (See Exhibit I-1, Twitter's Rules enforcement, Jan-June 2018.)

b. The July-Dec 2018 report from Twitter showed 11,000,257 unique accounts were reported for possible violations of the Twitter Rules where actions were taken against 612,563 accounts during this reporting period. (See Exhibit I-2, Twitter's Rules enforcement, July to December 2018.)

c. The Jan-June 2019 report from Twitter showed 15,638,349 unique accounts were reported for possible violations of the Twitter Rules where actions were taken against 1,254,226 accounts during this reporting period. An increase of 105% over last reporting period. (See Exhibit I-3, Twitter's Rules Enforcement, January to June 2019.)

255 25. Twitter's Health Policies have shown to have a strong bias against and have
 256 displayed a racially discriminatory animus toward Republicans or Conservatives, who are, like
 257 Sensa, generally white. More recent illustrations of these facts are the banning for life, the contracts
 258 of other similarly situated white users of Twitter such as those displayed in Exhibit J- Twitter
 259 Discriminatory Animus Towards Whites.

260 26. Public perception is that Twitter shows bias against Republicans, Conservatives
 261 and mainly whites such as those displayed in Exhibit K- Public Perception.

262 27. Attorney General Jeff Sessions was even considering a formal investigation to
 263 determine whether or not tech giants are indeed suppressing conservative viewpoints. (See
 264 [https://www.vox.com/2018/9/14/17857622/twitter-liberal-employees-conservative-trump-](https://www.vox.com/2018/9/14/17857622/twitter-liberal-employees-conservative-trump-politics)
 265 [politics](https://www.vox.com/2018/9/14/17857622/twitter-liberal-employees-conservative-trump-politics))

266 28. Twitter's Workforce has been lying to the public and to its shareholders about
 267 shadow banning users for quite some time and has given users the "fraudulent" impression that
 268 their tweets are still publicly visible when they were not. Twitter hides behind the terms "ranking
 269 or "downranking" which is synonymous with and the same exact act as shadow banning. At other
 270 times Twitters' Workforce, including it Attorney Council, lied or made false statements
 271 intentionally in an attempt to deceive or falsify Twitters true intentions. Twitter intentionally
 272 deceived to hide its discriminatory behaviors or acts and to possibly to elevate their brand or to
 273 mask their shortcomings.

274 29. January 11, 2018. YouTube Video James O'Keefe posted a video in which Conrado
 275 Miranda, "MIRANDA" former engineer, Twitter was recorded as stating:

276 **PV JOURNALIST: "I've heard talk that it's a good thing because**
 277 **they'll use it to ban, like, Trump supporters or Conservatives, so I**
 278 **didn't know it, like that's just a rumor or if that's true."**

279 **MIRANDA: " That's a thing."**

PV JOURNALIST: "That's a thing?"

MIRANDA: " That's a thing. Yeah".

30. January 11, 2018, YouTube Video James O'Keefe posted a video in which Pranay Singh "SINGH", direct messaging engineer for Twitter was recorded as stating;

PV JOURNALIST: "Is a majority of the algorithms against Conservatives or Liberals?"

SINGH: "I would say majority of it are for Republicans, because they're all from Russia and they wanted Trump to win, so..."

PV JOURNALIST: "So you would mostly just get rid of Conservatives?"

SINGH: "Yeah."

PV JOURNALIST: "What's like an algorithm that you write where like you can, like, look for things? So, if there's like, American guns, can you write an algorithm to just take all those people out?"

SINGH: "Uhh, yeah. It's actually how we do it, yeah"

PV JOURNALIST: "So like, so can you just write them against, like, so like say someone has Trump in the name or like, Conservative, or like.." "America first"

PV JOURNALIST: "Yeah. Can you just, like, write algorithms for that?"

SINGH: "That's exactly how you do it."

31. January 11, 2018, YouTube Video James O'Keefe posted a video in which Abhinav Vadrevu, "VADREVU", a former software engineer for Twitter was recorded as stating;

VADREVU: "One strategy is to shadow ban so that you have ultimate control. The idea of a shadow ban is that you ban someone, but they don't know they've been banned, because they keep posting, but no one sees their content." "You just sort of turn off all the features for them. So, like, they still see everything, it's all there. You can like it, you can favorite it, or you can, like, retweet or whatever." "The idea of a shadow ban is that you ban someone, but they don't know they've been banned, because they keep posting but no one sees their content." " So, they just think that no one is engaging with their content, when in reality, no one is seeing it." "But at the end of the day, no one else interacts... No one else sees what you're doing. So, all that data is just thrown away. It's risky though."

PV JOURNALIST: "Why is it risky?"

VADREVU: "Because people will figure that shit out and be like... You know, it's a lot of bad press if, like, people figure out that you're like shadow banning them. It's like, unethical in some way."

You know? So, I don't know." "In the past people have been really, really pissed off about that. And even people who haven't been shadow banned have called it, like, a really terrible thing to do. So, yeah, it's a risky strategy."

PV JOURNALIST: "And so you go ahead and keep on tweeting...."

VADREVU: "Yeah."

PV JOURNALIST "...and you've been banned and don't even know it."

VADREVU: "Yeah, yeah. I definitely know Reddit does this, but I don't know if Twitter does this anymore."

32. Wikipedia states:

"Shadow banning (also called stealth banning, ghost banning or comment ghosting) is the act of blocking a user or their content from an online community such that it will not be readily apparent to the user that they have been banned. By making a user's contributions invisible or less prominent to other members of the service, the hope may be that in the absence of reactions to their comments, the problematic or otherwise out-of-favor user will become bored or frustrated and leave the site."

33. On or about July 2018, Twitter posted "Setting the record straight on shadow banning" by Vijaya Gadde. "Gadde" who serves as the global lead for legal, policy, and trust and safety at Twitter and Kayvon Beykpour a Twitter Product Lead both stating that "Twitter does not shadow ban." (See https://blog.twitter.com/en_us/topics/company/2018/Setting-the-record-straight-on-shadow-banning.html)

34. On September 5, 2018, Dorsey, CEO of Twitter, testified in written form to the United States House Committee on Energy and Commerce, and stated, in part;

Mr. Dorsey: "We do not shadowban anyone based on political ideology."

35. On September 5, 2018, Jack Dorsey, CEO of Twitter, testified verbally to the United States House Committee on Energy and Commerce, and stated, in part;

922 Mr. Doyle: "Twitter is shadow banning prominent
 923 Republicans. That's bad. "Is that true?"

924 Mr. Dorsey: "No."

946 Mr. Doyle: "You shadow banned 600,000 people across your
 947 entire platform across the globe who had people following
 948 them that had certain behaviors that caused you to downgrade
 949 them coming up. Is that correct?"

950 Mr. Dorsey: "Correct."

957 Mr. Doyle: "So just for the record, since you have been singled
 958 out as a social media platform before this committee, Twitter
 959 undertook no behavior to selectively censor conservative
 960 Republicans or conservative voices on your platform. Is that
 961 correct?"

962 Mr. Dorsey: "Correct."

36. On November 2019 Donald Trump Jr, a white man, stated that; "he is the victim of
 'shadow banning' by social media networks who are part of a conspiracy to censor conservative
 voices. 'With every day that goes by, Twitter and Instagram are removing more and more of my
 posts from people's timeline,' Don Jr writes in his new book, Triggered: How the Left Thrives on
 Hate and Wants to Silence Us. 'People who have liked or shared my posts have been reporting
 sudden problems with their accounts or temporary lockouts from their devices.' "If they do it to
 me — someone who's pretty vocal, with millions of followers — who [else are] they doing it to?"

37. Twitter denies Don Jr's November 2019 claims that he is the victim of 'shadow
 banning. "We enforce our rules dispassionately and do not engage in so-called shadow banning.
 (See [https://nypost.com/2019/11/02/donald-trump-jr-says-instagram-twitter-are-shadow-](https://nypost.com/2019/11/02/donald-trump-jr-says-instagram-twitter-are-shadow-banning-him-in-new-book/)
[banning-him-in-new-book/](https://nypost.com/2019/11/02/donald-trump-jr-says-instagram-twitter-are-shadow-banning-him-in-new-book/))

38. On December 3, 2019, Twitter acknowledged that it had "shadow banned" Sean
 Davis, a white man and co-founder of a conservative magazine The Federalist.

384 39. Effective January 1, 2020 Twitter changed its contract to allow Twitter to shadow
385 ban users.

386 **Effective 1/1/2020 “We may also remove or refuse to distribute any**
387 **Content on the Services, limit distribution or visibility, of any Content**
388 **on the service, suspend or terminate users, and reclaim usernames**
389 **without liability to you,” the new terms state (emphasis added).**

390 40. In a substantial deviation from its Health Policies, Twitter continues to make its
391 services available to and has not removed offensive tweets, locked or banned the user contracts of
392 Blue Verified User Badge Users. (“Blue Check’ers”), whom Twitter has determined are “News
393 Worthy” and who throughout the years have posted racist divisive words such as “I hate white
394 people” and other derogatory and discriminatory speech to their combined 50 million followers,
395 which is hateful and promotes hate against the race of white people, and in violation of Twitters
396 rules, such as those displayed in Exhibit L- White Hate by Blue Check’ers.

397 41. In a substantial deviation from its Health Policies, Twitter continues to make its
398 services available to and has not banned the contracts or the benefits of a contract of similarly
399 situated non-white users, who are outside Sensa’s protected class, and continues to allow non-
400 whites to post racist divisive hashtags such as #KillWhites and #Whitegenocide and to promote
401 hate against the race of white people in its public forum such as those displayed in Exhibit M-
402 White Hate on Twitter.

403 42. It’s plausible to infer that Twitters Health Policy was built to find whites and not
404 non-whites and was not designed to target non-whites which allows left leaning or liberal stuff to
405 go through unchecked or disregarded as ok and let go. It’s plausible to infer that Twitter allows
406 non-white users and Blue Check’ers to post racist and anti-white propaganda because they
407 [Twitter] themselves are anti-white and hate white people.

408 43. The “similarly situated” non-white user to Sensa had the same basic contract and
409 have posted tweets or replies the same or similar conduct to Sensa’s two actioned tweeds, yet non-
410 white users were not disciplined to the severity of Sensa which demonstrates Twitters motivation
411 for suspending Sensa’s contract and its desire to remove whites from their public forum.

412 44. Twitter still makes its services available to and has not banned the contracts of
413 similarly situated users outside Sensa’s protected classes from posting violative tweets using the
414 word “Bitch Slap” on Twittter.com. Twitter continues to allow other non-white similarly situated
415 users who do not share Sensa’s race to enjoy and use their contract and services to post tweets with
416 the phrase “Bitch Slap” with impunity which demonstrates enormous procedural irregularities in
417 not taking down or removing tweets similar or worse than the tweets that caused Sensa’s contract
418 to be banned, and allowing non-whites to post tweets, without censorship or the banning of their
419 contracts such as those displayed in Exhibit N, Twitters Favoritism Towards Non Whites.

420 45. Twitter still makes its services available to and has not banned the contracts of
421 similarly situated users outside Sensa’s protected classes from posting violative tweets using the
422 words “Hanging or hanged” on Twittter.com. Twitter continues to allow other non-white similarly
423 situated users who do not share Sensa’s race to post tweets with the phrase “Hanging or Hanged”
424 with impunity which demonstrates enormous procedural irregularities in not taking down or
425 removing tweets similar or worse than the tweets that caused Sensa’s contract to be banned, and
426 allowing non-whites to post tweets, without censorship or the banning of their contracts such as
427 those displayed in Exhibit O, Hanging.

428 46. To the best of Sensa’s knowledge, Twitter has not disciplined the above similarly
429 situated non-white users for posting similar or worse tweets than Sensa as the tweets and accounts
430 are still live, but it immediately terminated Sensa’s contract. Additionally, other similarly situated

non-whites using the same services and posting similar words as Sensa, who were non-white, were not permanently banned from using Twitters' services. Additionally, others outside the protected class of whites are given a chance to fix a problem or there is a systematic maladministration of the rules that are ignored on their behalf by Twitter.

47. Twitters new Health Policy yields an unavoidable inference that Sensa's race impacted the discipline determination and was pertinent to the discipline decisions made because Twitter itself interjected race as one of the main reasons for updating and changing its Health Policy specifically to track and discipline white socialists, white separatists and white nationalists, with being white being the common denominator, and thus, race had something to do with the decision-making process. (See, e.g., *Williams v. Lindenwood Univ.*, 288 F.3d 349,356 (8th Cir. 2002)) ("[I]njecting racial language at all into the decision-making process created the inference that race at something to do with the decision-making process. ").

48. On November 3, 2017, Twitter stated: "Keeping Twitter safe is a top priority for us." and "These rules apply to everyone using our service – regardless of the account involved."

49. January 11, 2018. YouTube Video James O'Keefe posted a video in which Steven Pierre, "PIERRE", a software engineer for Twitter was recorded as stating:

PV JOURNALIST: "So is it going to, like, ban... essentially ban certain mindsets and/or people who could be negative?"

PIERRE: "It's not going to ban the mindset, it's going to ban, like, a way of talking."

50. January 11, 2018. YouTube Video James O'Keefe posted a video in which Mo Norai, "NORAI", a former content review agent of Twitter was recorded as stating:

NORAI: "Let's say if it was a pro-Trump thing and I'm anti-Trump, I was like, I banned his whole account. It goes to you, and then it's at your discretion. And if you're anti-Trump, you're like, oh you know what, Mo was right, Fk it, let it go." "On stuff like that it was more**

discretion on your viewpoint, I guess how you felt about a particular matter..."

PV JOURNALIST: "Oh, so it wasn't automated. It was..."

NORAI: "No, no..."

PV JOURNALIST: "...a user end services person would deem it pro-Trump and take it down?"

NORAI: "Yeah, if they said this is pro-Trump, I don't want it because it offends me, this, that. And I say I banned this whole thing, and it goes over here and you're like, Oh you know what? I don't like it too. You know what? Mo's right, let it go."

NORAI: "That's it. You're like, Mo was right, let's carry on. What's next? Keep it coming."

PV JOURNALIST "Yeah, bring me another one to take down."

NORAI: "Yeah."

PV JOURNALIST : So, I flag something it's going to go by you."

NORAI: "Correct, and then, you know, you're looking at it and you're like, oh hey, this is pro-Trump.. I don't like it."

PV JOURNALIST "So on the reverse of that, they would just let a lot of the, I guess, left leaning or liberal stuff to go through unchecked?"

NORAI: "It would come through checked and then I would be like, oh you know what? This is okay. Let it go."

PV JOURNALIST "You made the comment that, you know, Twitter maybe wouldn't, you know, verbally say some things that they, you know, wanted to put in their company policy but they were kind of unwritten rules as far as the content that they would, allow or disallow."

NORAI: "Very. A lot of unwritten rules, and being that we're in San Francisco, we're in California, very liberal, a very blue state. You had to be..

NORAI: "I mean as a company you can't really say it because it would make you look bad, but behind closed doors are lots of rules. Like, hey, you do this this way. Or something like that. It was never written; it was more said."

NORAI: "Twitter was probably about 90% anti-Trump, maybe 99% anti-Trump."

51. In March 2018, Dorsey tweeted "that Twitter is building a "systemic framework" to help encourage more healthy debate, conversations, and critical thinking."

52. On Jul 25, 2018 , Kayvon Beykpour, a product lead at Twitter stated; "To be clear, our behavioral ranking doesn't make judgements based on political views or the substance

of tweets.” Beykpour explained it was these behavior signals that led to the decrease in search visibility, not a political agenda.

53. On July 26, 2018, Nick Pickles, a senior strategist in Twitter’s public policy department stated; **“Let me make clear to the committee today that these claims [of banning conservative voices] are unfounded and false,” “In fact, we have deliberately taken this approach as a robust defense against bias, as it requires us to define and act upon bad conduct, not a specific type of speech.”**

54. On September 5, 2018, Dorsey, CEO of Twitter, testified in written form to the United States House Committee on Energy and Commerce, and stated, in part:

Mr. Dorsey: “In fact, from a simple business perspective and to serve the public conversation, Twitter is incentivized to keep all voices on the platform.”

55. On September 5, 2018, Jack Dorsey, CEO of Twitter, testified verbally to the United States House Committee on Energy and Commerce, and stated, in part:

281 Mr. Dorsey: “For our part, machine-learning teams at Twitter are experimenting with these techniques in developing roadmaps to ensure present and future machine-learning models uphold a high standard when it comes to algorithmic fairness.”

292 Mr. Dorsey: “we have a responsibility to make sure they [followers] can see your tweets.”

399 Mr. Dorsey: “This is a matter of scale. So today, in order to remove tweets or to remove accounts, we do require a report of the violating and that report is reviewed by an individual.”

440 Mr. Pallone: “So let me just ask you, how many human content moderators does Twitter employ in the U.S.?”

442 Mr. Dorsey: “We -- so we want to think about this problem not in terms of the number of people but how we make decisions to invest in building new technologies versus hiring folks.”

488 Mr. Pallone: "Will you commit to working with an
independent third-party institution to conduct a civil rights
audit of Twitter? Yes or no."

491 Mr. Dorsey; "We will."

564 Mr. Dorsey: "I believe if you were to go to our rules today and
sit down with a cup of coffee, you would not be able to
understand it."

656 Mr. Dorsey: "Today, our system does work on reports,
especially when it has to take content down."

723 Mr. Dorsey: "the verified badge also is a signal that is used in
some of our algorithms to rank higher."

868 Mr. Burgess: "just for the record, have you apologized to the
McCain family?"

870 Mr. Dorsey: "I haven't personally but I will."

983 Mr. Dorsey: "First and foremost, we -- our singular objective
as a company right now is to increase the health of public
conversation and we realize that that will come at short-term
cost."

1565 Mr. Dorsey: "our current model works in terms of removing
content based on reports that we receive."

1710 Mr. Dorsey: "We do have teams who are focused on creating
roadmap so that we can fully understand best practices for
training, data sets, and also measuring impartiality of
outcomes."

1727 Mr. Harper: "And those [impartial] teams that you're talking
about, those are individuals, correct?"

1731 Mr. Dorsey. "Yes. Yes --."

1745 Mr. Dorsey: [teams] "They're looking for fairness...
impartiality".

2046 Mr. Dorsey: "Most of our decisions are made internally and
we definitely take input from external folks and we look at
what's happening in more of the secular trends of what's going
on. But we don't take direction from anything external."

2471 Mr. Dorsey: "Yes. Our model currently depends upon reports
to remove content or to remove accounts."

3047 Mr. Johnson: Do you do any peer reviews of your algorithms before you – before you send them to production?”

3056 Mr. Dorsey: “We do do those internally, yes.”

3331 Ms. Schakowsky: “So, you actually said that you are incentivized -- it says Twitter is incentivized to keep all voices on the platform. Is that correct?”

3334 Mr. Dorsey: “No.”

3383 Mr. Dorsey: “we'd love to be more open as a company including our algorithms and how they work.”

3850 Mr. Dorsey: “And we do believe that increasing the health of the public conversation on Twitter is a growth vector for us but only in the long term and we -- you know, over the -- over the past few months we've taken a lot of actions to remove accounts en masse.”

4088 Mr. Duncan: “There were only suggested political figures of a very liberal persuasion that were suggested for her to follow. Nobody else. That shows bias, sir.”

4091 Mr. Dorsey: “Well, yes.”

56. On March 5, 2019, Joe Rogan and guest Tim Pool spoke with Jack Dorsey, and

Gadde, and both voiced these comments regarding Twitter policies:

Gadde: “it's a big thing to kick someone off the platform”

“it's about a pattern and practice of violating rules and we don't want to kick someone off for one thing but if there's a pattern in practice”.. “we are gonna have to take action”

“in the United States... you can't discriminate against white men.”

“we focus on targeted harassment which is behavior that is targeted against an individual who belongs to [that] class”

“I think we agree philosophically that permanent bans are an extreme case scenario and it shouldn't be one of our you know regularly used tools in our tool chest.”

Tim Pool: “the concern is that this is always leaning towards the left”

Gadde Replies: “I can understand why you feel that way”

Dorsey: “I agree that we should have an [government] agency that can help us protect the individual and level the playing field.”

“we're gonna make some mistakes along the way and we're going to admit to them we didn't admit to them in the past.

“were purely looking at the content but a lot of this agent work is based on the behaviors”

“I definitely understand the mistrust that people have in our company, in myself.”

“I don't believe a permanent ban promotes health”

57. April 16, 2019, Dorsey stated: **“We want to have a situation where algorithms are constantly scouring every single tweet and bringing the most interesting ones to the top so that humans can bring their judgment to whether we should take action or not, based on our terms of service.”**

58. April 16, 2019, an interviewer asked, **“how hard is it to get rid of Nazis [referring to white nationalists] from Twitter,?”** and Dorsey replied:

“We have policies around violent and extremist groups.” And “the majority of our work and our terms of service works on conduct, not content. So, we’re actually looking for conduct.”

“We’re in a situation right now where that term is used fairly loosely, and we just cannot take any one mention of that word accusing someone else as a factual indication that they should be removed from the platform.”

59. April 16, 2019, Dorsey stated: **“About 38 percent of abusive tweets are now proactively identified by machine learning algorithms so that people don't actually have to report them. But those that are identified are still reviewed by humans, so we do not take down content or accounts without a human actually reviewing it.”**

60. April 24, 2019 Twitter's reported monthly average users (MAU) in the US: Q1 2018 69 million . Q2 2018 68 million. Q3 2018 67 million. Q4 2018 66 million. Q1 2019 68 million.

61. July 27, 2019 "This, as noted, is how Twitter's working to change the narrative around its performance - while most social media platforms have traditionally provided charts of MAU growth, Twitter has not only stopped reporting MAU entirely, in favor of its newly created 'mDAU' stat, but it's also looking to re-frame growth around overall percentages, not the less impressive actual figure". (See <https://www.socialmediatoday.com/news/twitter-q2-increased-users-and-revenue-but-questions-remain-between-the-l-559660>)

62. October 24, 2019. Twitter stated that "more than 50% of Tweets we take action on for abuse are now being surfaced using technology." (See https://s22.q4cdn.com/826641620/files/doc_financials/2019/q3/Q3-2019-Shareholder-Letter.pdf)

63. On October 31, 2019 Twitter states that since it's last report ending on June 30, 2019, Twitter had a "105% increase in accounts actioned by Twitter locked or banned for violating the Twitter Rules". Translated that would mean that Twitter has banned over 2 million users in those past 10 months alone for either abuse, hate or violent tweets under their Health Policies. (See Exhibit I-4, Twitter's 15th Transparency Report, October 31, 2019.)

64. Twitter devised this new Health Policy not only to remove abusers, but to target white users for removal. Ban their contracts because they are white and have a white way of talking or behaving. To say that race is not a determining factor in banning user contracts, like Sensa's, is a lie, as policing within Twitters Health Policy is asymmetrical [lopsided]. Race motivated and motivated to treat Sensa unfavorably, as it did.

65. Twitter's hateful conduct policy, shows that the company has explicitly codified political views into its policies. For example, the social media publisher states that it will ban users if they accurately refer to the biological sex of "transgendered" individuals who believe without evidence that biological men can become biological women, and vice versa. (See <https://thefederalist.com/2018/11/27/top-house-committee-investigating-twitter-ceo-jack-dorsey-for-lying-to-congress/>)

66. On January 11, 2018, YouTube Video James O'Keefe posted a video in which Olinda Hassan, a policy manager of Twitter trust and safety stated:

"Safety "Yeah, that's something we're working on"...."we're trying to get the shitty people to not show up. It's a product thing we're working on."

67. April 11, 2018, Dorsey has been described as "an ardent leftist who has campaigned with radicals like DeRay Mckesson." And he recently raised a stir after tweeting a link to an article published in Medium, which basically calls for an end to the Republican party and a California-style one-party state nationwide. "America finally needs to take the Republican Party down for a generation or two," the authors write. Dorsey said of the article, "Great read.". (See <https://www.investors.com/politics/editorials/facebook-twitter-youtube-bias-against-conservatives/>)

68. Twitter and Dorsey, actively use Twitters public forum to endorse and promote the many agendas of the Democratic Party. (See Exhibit P- Twitter Facilities.)

69. In a Sep 14, 2018 Vox article quotes Dorsey as admitting that:

" the people who build Twitter are biased"

"Twitter has a lot more left-leaning employees than right-leaners."

" Twitter is so liberal, in fact, that conservative employees "don't feel safe to express their opinions" within the company.

705 **“We have a lot of conservative-leaning folks in the company as well, and to**
706 **be honest, they don’t feel safe to express their opinions at the company,”**

707 **“They [the minority] do feel silenced by just the general swirl of what they**
708 **perceive to be the broader percentage of leanings within the company, and I**
709 **don’t think that’s fair or right.”**

710
711 70. Twitter’s “Workforce” has a strong bias and strong negative views about white
712 people in general. this biased produced anti-white prejudice. which. upon information and belief.
713 turned into actions of mass suspensions of hundreds of thousands of user contracts similar to that
714 of Sensa’s. as they all. were white. Sensa’s suspension was the result of Twitters workforce(s)
715 racial animus toward whites and is bolstered further by evidence that Twitter. during the fall and
716 winter of 2019. and at the time Sensa was locked out of his account and then Banned. had an
717 incentive to suspend white users. but not non-white users. who then engaged in racially
718 discriminatory conduct.

719 71. A reasonably jury could infer that Twitter felt inclined to emphatically prove to the
720 public and it’s non-white users that Twitter. Dorcey and his staff were committed to removing
721 whites who they hate and don’t share their views with. Twitter’s workforce. whose aggregate
722 demographics is believed to be non-white or anti-white. banned Sensa. thereby insuring that whites
723 like Sensa who communicated and behaved like white people won’t be sharing their views in
724 Twitter’s public forum and thereby squashing the political beliefs of white people. because their
725 views aren’t acceptable to Twitters non-white. anti-white Workforce.

726 72. Dorcey and Twitter spokespersons have lied in the past concerning shadow banning
727 Republicans and Conservatives. On January 23. 2019 Dorcey stated:

728 **“I agree, we have been bad at communication, we haven’t been as**
729 **forthright as we need to, we certainly haven’t been as transparent. We**
730 **do care deeply. But we need to do it in scalable ways. This work**
731 **doesn’t happen overnight.”**
732

73. Twitter has stated that “[it] recognizes that accounts are **“assets owned solely by their owners”** but then removes the banned user’s content as soon as the user’s contract is banned and then completely removes their inactive accounts shortly thereafter so that others, upon information and belief, like Twitters Workforce, can obtain the works or creations made by others.

74. On September 5, 2018, Jack Dorsey, CEO of Twitter, testified verbally to the United States House Committee on Energy and Commerce, and stated, in part:

3299 Mr. Dorsey: “So we are doing a few things. First, we are opening portals that allow partners and journalists to report anything suspicious that they see so that we can take much faster action.”

75. In 2014, an Indiana University survey found that only 7 percent of journalists identified as Republicans while 28 percent identified as Democrats. In 2002, the same study found that 18 percent of journalists identified as Republicans and 36 percent said that they were Democrats. In just more than a decade, a two to one Democratic Party advantage had grown into a four to one discrepancy.

76. A study conducted by the Center for Public Integrity during the 2016 election revealed that more than 96 percent of political donations from journalists went to the Hillary Clinton campaign.

77. On January 23, 2019 Dorsey responded to a question stating:

JOURNALIST; I can confirm that there are Nazis on Twitter.

DORCEY; “We need to be more proactive, but a lot of it has to do with the friction of everything relying on it being reported in the first place.

78. Twitter openly discussed its efforts to as to how they were going to deal with the problem of White Nationalists so they wouldn’t be able to speak in their public forum. Twitter first

gave an arbitrary number of Twitter users the power to actively squelch minority views by using reports and from these reports, Twitter formed a hit list for suspensions and disciplinary actions.

79. On March 20, 2019 White nationalist “groups” surged nearly 50 percent, growing from 100 chapters in 2017 to 148 in 2018. **“So, while the number of white nationalists could have remained steady, the threat they pose may be increasing”**, John D. Cohen, a former counterterrorism coordinator and acting under secretary for intelligence and analysis of the U.S. Department of Homeland Security said. (See <https://www.factcheck.org/2019/03/the-facts-on-white-nationalism>)

80. The Southern Poverty Law Center hasn’t counted the members of the so-called “alt-right.” A press representative tells The Daily Beast that they’re not aware of any nationwide surveys designed to count them. Now, the KKK is near its nadir and they estimate that the KKK counts between 5,000 and 8,000 members nationwide. That would make them less than 0.003 percent of the population, even on the higher end of the SPLC’s estimate, 327 million Americans and 981,000. (See <https://www.thedailybeast.com/how-many-nazis-are-there-in-america-really>)

81. On March 22, 2019 at a Twitter all-hands meeting an employee asked a blunt question:

“Twitter has largely eradicated Islamic State propaganda off its platform. Why can’t it do the same for white supremacist content?”

A [Twitter] executive responded by explaining that:

“Twitter follows the law, and a technical employee who works on machine learning and artificial intelligence issues went up to the mic to add some context.” (As Motherboard has previously reported, algorithms are the next great hope for platforms trying to moderate the posts of their hundreds of millions, or billions, of users.)

82. On Apr 9, 2019, the House Judiciary held a Hearing on hate crimes and the rise of white nationalism. The hearing examined hate crimes, the impact white nationalist groups have on

American communities and the spread of white identity ideology. The hearing addressed some of what social media companies can do to stem white nationalist propaganda and hate speech online and what the public forums are doing to police their public forums.

83. April 27, 2019 Another researcher, JM Berger, pointed out to Vice that since so many white nationalists are supporters of President Trump, removing those accounts could lead conservatives to accuse the platform of anti-Republican bias. (See <https://forward.com/fast-forward/423238/twitter-white-nationalists-republicans/>)

84. April 27, 2019, Jack Dorsey while speaking of white nationalists, told Rolling Stone that people constantly tweet at him asking him to “get the Nazis off Twitter,” but that “the reason so many remain is that others fail to report them for violating the site’s terms of service.” (See <https://forward.com/fast-forward/423238/twitter-white-nationalists-republicans/>)

85. On or about, April 25, 2019 a Twitter employee who works on machine learning told Motherboard that he believes that a proactive, algorithmic solution to white supremacy would also catch Republican politicians.

91 percent of the company’s terrorism-related suspensions in a 6-month period in 2018 were thanks to internal, automated tools. Twitter currently has no good way of suspending specific white supremacists without human intervention, and so it continues to use human moderators to evaluate tweets. In an email from Twitter, a company spokesperson told Motherboard that “different content and behaviors require different approaches.” “For terrorist-related content we’ve had a lot of success with proprietary technology but for other types of content that violate our policies—which can often [be] much more contextual—we see the best benefits by using “With ISIS, the group’s obsessive branding, tight social networks and small numbers made it easier to avoid collateral damage when the companies cracked down (although there was some),” he said. “White nationalists, in contrast, have inconsistent branding, diffuse social networks and a large body of sympathetic people in the population, so the risk of collateral damage might be perceived as being higher, but it really depends on where the company draws its lines around content. Twitter hasn’t taken the same aggressive approach to white

supremacist content because the collateral accounts that are impacted can, in some instances, be Republican politicians.” The employee argued that, “on a technical level, content from Republican politicians could get swept up by algorithms aggressively removing white supremacist material.” And that “Banning politicians wouldn’t be accepted by society as a trade-off for flagging all of the white supremacist propaganda”, he argued.

86. On May 15, 2019 in a House Civil Rights and Civil Liberties Subcommittee held a public hearing discussing in part the impact on the communities most victimized and targeted by white supremacists.

87. On June 4, 2019, the House Judiciary held a Hearing “Confronting White Supremacy” and the “Adequacy of the Federal Response”

88. On August 12, 2019- When Will Twitter Ban White Nationalists? Civil Rights Leaders Urge the Site to Take Action (See <https://fortune.com/2019/08/12/twitter-ban-white-nationalists/>)

89. On September 20, 2019 House Oversight Joint Subcommittee Hearing on Confronting White Supremacy Mr. Raskin stated, in part:

“We are here today to determine if existing counter terrorist tools can be mobilized to address the problem of white supremacy. And if so what civil liberty protections will limit the protections for any overreach.”

90. On November 19, 2019, calls to boot white supremacists from the platform have intensified this year in the wake of mass shootings in El Paso, Texas, and Christchurch, New Zealand. In March, Facebook said it was banning white nationalist and white separatist content from its platform, putting pressure on Twitter to do the same. (See <https://www.cnet.com/news/twitter-under-more-pressure-to-ban-white-supremacists/>)

91. Twitters’ Workforce, through its Health Policy, knowingly focused its efforts, wrote and trained its algorithms, set its agenda’s, formulated and implemented policies to track,

850 police and regulate on the basis of going after and removing white supremacists, white separatists
851 and white nationalists knowing that it would effect or regulate white Republicans, Conservatives
852 and whites voices and white political views which, in fact, was demonstrated when Twitter
853 regulated and shadow banned a majority of 600,000 Republicans and Conservatives who are
854 mostly white, by Twitters' Workforce, who are, upon information and belief, mostly non-white or
855 anti-white.

856 92. Twitter, facing pressure from Congress, shareholders, its anti-white Workforce, its
857 anti-white users and advocacy groups to remove white nationalists off its public forum procured
858 and devised a Health Policy in which to pursue white nationalists, which contained biased
859 algorithms which would then sift and rise to the top white users tweets or accounts so that biased
860 journalists through specially set up portals or content moderators or "user end closers" who are
861 mostly predisposed to not liking white people, could then use these Health Policies meant for whites
862 to then suspend whites, like Sensa, from its public forum.

863 93. Twitter failed and refused to provided responses to questions from Congressional
864 members' of the House Energy and Commerce Committee, questions for the record despite an
865 October 15th, 2018 deadline , which Dorsey stated under oath he would provide. A reasonable
866 inference can be made that Twitter is hiding something.

867 94. An inference may be made that Dorsey was acting in an evasive way whenever he
868 was asked "**how many "Human Content" people does Twitter employ?**", or to that effect. Was
869 he avoiding telling truths concerning journalists true roles through their newly formed portals or
870 to conceal other truths by not directly answering these questions?

871 95. System flaws in Twitter's Health Policy present high-risk opportunities for the
872 misinterpretation of tweets or replies as they lack voice tone, inflection and emotional nuances of

873 vocal tones. It is well-documented among psychologists that when people lack information, they
874 tend to rely on stereotypes to fill in the gaps. Without the benefit of paralinguistic cues such as
875 gesture, emphasis, and intonation, it can be difficult to convey emotion and tone in a tweet, reply
876 or direct message, let alone interpret a user's behavior from those just mentioned. Because Tweet
877 communicators "hear" a statement differently depending on whether they intend to be, say,
878 sarcastic or funny, it can be difficult to decipher and therefore may be under appreciated by their
879 audience or Twitter's Workforce. Studies have also shown racial stereotypes and bogus
880 expectancies influence people's impressions of a target more strongly over e-mail, which are
881 similar to tweets, than voice interactions. When someone such as a content manager or ender users
882 manager receives a tweet from someone they don't know, they often will revert to personality
883 stereotypes, and in doing so raise the chances of emotional misinterpretation and the chances
884 of the message getting lost through the medium because tweets cannot accurately convey tone,
885 emotion, facial expressions, gestures, body language, eye contact, oral speech, or face-to-face
886 conversation and will most likely be misinterpreted or misunderstood.

887 96. Twitter states that it is not going after Republicans or Conservatives and it can be
888 reasonably inferred that Twitter suspends Republicans and Conservatives not for their political
889 view or associations, but because they are white.

890 97. It can be inferred that Twitter discontinued its reporting of MAU in favor of DAU
891 simply because it anticipated that it would be removing whites' accounts and did not want these
892 numbers revealed in any upcoming stock reports or within the press as it would reflect negative
893 upon the company and may effect stock prices.

894 **VI. 42 U.S.C. § 2000a AND N.H.R.S.A 354-A:17**

895 98. Besides offering services anywhere in the world through its public forum, Twitter
896 hosts many events open to the public such as public speaking, workshops, musicals, awards shows
897 at its many facilities located throughout the US. At the majority of these events, Twitter supplies
898 food and beverages for its guests and even houses an on-site bakery and sandwich shop at its San
899 Francisco facility within the meaning of 42 U.S.C. § 2000a(b) & N.H. Rev Stat § 155:39-a.

900 99. Twitter is a place of public accommodation within the meaning of 42 U.S.C.
901 §2000a(b) and (c). (2), (3) and (4) and NH Rev Stat § 155:39-a, as its operation of cafeteria's,
902 lunchrooms, lunch counters, soda fountains, motion picture houses, theaters, concert halls or other
903 places of exhibition or entertainment within its many facilities or establishments affect commerce
904 as a substantial portion of the food which it serves or other products which it sells, has moved in
905 commerce within the meaning of 42 U.S.C. § 2000a(b) 2 and (c)2 and NH Rev Stat § 155:39-a. II.
906 Additionally, Twitter customarily presents performances, exhibitions or other sources of
907 entertainment which move in commerce through its live feed of events inside it's many facilities
908 throughout the US within the meaning of 42 U.S.C. § 2000a(b)(3), (c)(3) and NH Rev Stat §
909 155:39-a III and additionally under 42 U.S.C. § 2000a(b) 4 and (c)(4), as any establishment that
910 contains a covered establishment, and which holds itself out as serving patrons of that covered
911 establishment.

912 100. Inside the Twitter San Francisco Headquarters facility and at its other facilities
913 throughout the US, Twitter hosts many public events within the meaning of 42 U.S.C. §2000a(b)
914 and NH Rev Stat § 155:39-a, such as those described and display throughout Exhibit Q :

915 101. Places of public accommodation" need not be physical structures, and
916 discrimination may occur when the goods or services of a place of public accommodation are
917 enjoyed by customers who never visit a physical location.

102. The facts stated in CLAIM 1 and throughout, demonstrate that Sensa is a member and belongs to a protected white group and that Twitters banning of Sensa's contract was discriminatory and based on his race and was significantly harsher in comparison with other similarly situated non-whites or non-white members of non-white races. Twitter, as a public accommodation under the law, owed a duty to Sensa not to discriminate against him because of his race and his membership in a protected race. Putting aside the psychological effects of Twitters' racial discrimination of Sensa and thousands and thousands of other white users are the harmful effects that may stifle future online commerce with other companies. Twitters' discriminatory actions of deleting tweets or suspending contracts like Sensa's restrains and has a substantial effect on commerce in New Hampshire and throughout the United States as there are less users purchasing or selling advertising, and also less "goods" for Twitter to sell its customers. This would also include all of the auxiliary businesses that go along with the advertising business, such as accountants, attorneys, marketers, actors or producers, video producers and news agencies. Other industries such as persons or companies selling products will never get to meet millions of potential white people who will no longer learn about or purchase their products because of Twitter's discriminatory acts. Driving once-loyal customers away in droves which a reasonable person would think are contrary to normal business procedures or policies.

103. Twitter formed opinions about and then treated Sensa not based on his individual merits, but rather on his skin color and membership or perceived membership in groups with assumed behavioral characteristics of being white and failed to offer full and equal services to Sensa at a covered establishment in violation of 42 U.S.C. §2000a and NH Rev Stat § 354-A.

VII. 47 U.S. Code § 230

940 104. On September 5, 2018, Jack Dorsey, CEO of Twitter, testified verbally to the
941 United States House Committee on Energy and Commerce, and stated, in part:

942 **3845 Mr. Dorsey: "It's an excellent question, and something that we**
943 **have balanced in terms of, number one, our singular objective**
944 **is to increase the health of this public square and this public**
945 **space, and we realize that in the short term that will mean**
946 **removing accounts." (See Exhibit Q-2)**
947

948 105. Twitter's public areas on its computer network are able to accommodate large
949 numbers of the public at one time. They often include display areas for entertainers, exhibitors and
950 others to perform for the public at large. It is an appealing place for the public to converse and
951 socialize as well as to browse and shop in and about with store ads and accesses placed throughout
952 with members of the general public coming and going as they please.

953 106. Twitter's computer network is a public forum open to the public for the purpose of
954 speaking in public and for the purpose of encouraging the patronizing of its advertisers. Although
955 Twitter is privately organized, its computer network exhibits all the features of a public forum
956 conducive to the public communication of views on issues of political and social significance and
957 indeed has assumed law enforcement responsibilities normally reserved for State Actors through
958 §230. By exercising public functions, this nominally private entity assumed the constitutional
959 obligations of local government, specifically including the duty to permit exercise of expressive
960 rights within the boundaries of its forum which serves as the functional equivalent of a business
961 block open to the general public and does not violate Twitter's property rights under the Fifth and
962 Fourteenth Amendments.

963 107. Twitter has intentionally transformed its computer network into a public forum,
964 square or market, a public gathering place, a downtown business district or community. They
965 cannot now deny their own implied invitation to use the space as it was clearly intended, a public

forum for public speech, whose nature, purpose and primary use is public and not private speech, which is open to the public.

108. Twitter has become a critical public forum for the expression of protected speech and the federal courts of appeals has held that the government can create public forums within Twitter's public forum computer network such the accounts Sensa interacted with such as the @realDonaldTrump account and other government officials' accounts who use their Twitter accounts for official business and where the protections for viewpoint discrimination of the First Amendment apply in such designated DPF's.

109. Sensa's tweet stated;

Ya, let's all get all cutesy with a fkn #Traitor who should be hung if found guilty!! See Exhibit F-2, Sensa's Suspensions. See Exhibit F-3 for context.

110. Sensa's cognitive core political speech or speech concerning public affairs is more than self-expression, it is the essence of self-government and occupies the highest rung of the hierarchy of First Amendment values and is entitled to special protection because of it's purely expressive nature and its importance to a functional republic.

111. Sensa's free speech in his tweet was not commercial, hate, obscenity, stalking or harassment speech. Sensa's cognitive speech is not violative under New Hampshire RSA 644:2 in a "Public Place", or violative under any other New Hampshire Criminal law or under §230 for that matter. Nor was his speech expressive conduct such as burning a flag.

112. On September 5, 2018, Chairman Walden, Twitters boss by proxy, lead off a meeting of United States House Committee on Energy and Commerce Committee by stating:

"So, Mr. Dorsey, I am going to get straight to the heart of why we are here today. We have a lot of questions about Twitter's business practices including questions about your algorithms content management practices, and how Section §230's safe harbors protect Twitter." (See Exhibit Q-2)

113. On September 5, 2018, Jack Dorsey, CEO of Twitter, testified verbally to the United States House Committee on Energy and Commerce that Twitter relies on governmental guidance and benefits it receives through §230, and stated, in part;

2396 Mr. Dorsey; “Well, we do defend Section 230 because it is the thing that enables us to increase the health in the first place. It enables us to look at the content and look for abuse and take enforcement actions against them accordingly.”

2601 Mr. Dorsey; “We have made our singular objective to -- as a company to help improve the health of the content that we see on the service, and for us that means that people are not using content to silence others or to harass others or to bully each other so that they don't even feel safe to participate in the first place and that is what CDA §230 protects us to do is to actually enforce these actions -- make them clear to people in our terms of service but also to enforce them so that we can take actions.” (See Exhibit Q-2)

114. Rather than regulating the internet like most all other industries, Congress instead has chosen to entwine themselves with companies like Twitter, essentially relegating it's duties to protect, police and regulate free speech. Twitter deleted Sensa's tweets and banned Sensa's contract under the presumed protections of §230 or through its Health Policies created, in part, to satisfy §230 and the government and its duties to police and regulate the internet industry. Quite arguably, this saves the government and Twitter millions of dollars each year while trampling state and personal interests in Free Speech, Freedom to Assemble and Freedom of Expression.

115. §230 deputizes computer networks such as Twitter “to ensure vigorous enforcement of Federal and State criminal laws to deter and punish trafficking in obscenity, stalking, and harassment by means of computer in return for legal protections for third-party content and for Twitters filtering decisions. Twitter's invocation and claims of authority under §230 is likely to unlock the door and circumvent the independent Constitutional protections of

1024 New Hampshire residents as users are unaware of their rights within the convoluted context of
1025 §230. Eg. Congress the boss and Twitter the Executive with policing powers.

1026 116. 28 U.S. Code § 2671 of the Federal Law Enforcement Officers' Good Samaritan
1027 Act of 1998 defines a "Federal agency" .. to include... corporations.

1028 117. Twitter, primarily acting as instrumentalities or agencies of the United States and
1029 local New Hampshire law enforcement agencies, chooses to be a Good Samaritan in carrying out
1030 the wishes of Section §230 and converts a private entity like Twitter into a state actor or is
1031 equivalent to state action—because the private entity [Twitter] is voluntarily performing a
1032 traditional, exclusive public functions such as regulating criminal and non-criminal speech and
1033 behaviors at a local and State level.

1034 118. And although Twitter is not "performing traditional governmental functions" by
1035 storing, caching, or providing access to content, it does "police" it's public forum at the direction
1036 of the Federal Government and Congress which enables it to take enforcement actions against
1037 those that Congress believes to be law breakers of obscenity, disturbing the peace, fighting words,
1038 or in Twitters case in which it "police(s)" "behaviors", which are all policing powers traditionally
1039 performed by local police, departments or municipalities which are generally considered State
1040 actions. This, in effect, turns Twitters operation into a governmental function that serves public
1041 interest and to which they receive "benefits" of Executive status in the form of legal immunity and
1042 in the savings of legal fees in return for policing it's designated public forum under the government
1043 created §230. Twitter also benefits from §230 as they use it as a authoritative bully whip upon its
1044 users without any retribution or due process rights afforded to users like Sensa. Twitter also
1045 leverages and benefits in the use of §230 as it is instrumental in producing and enforcing its own
1046 Health Policies and even brazened them to promulgate a new Health Policy that now polices

1047 "behaviors" that are routinely protected by the States through their prospective Constitutions or
1048 local criminal laws.

1049 119. Twitter's mere invocation of federal power through §230 will normally render futile
1050 any attempt by users to resist this suppression of speech and the utilization of local police or Courts.

1051 120. Sensa's Constitutional deprivations such as his tweets being taken down and the
1052 resulting banning of his contract resulted from Twitters close 'nexus' to, or 'entanglement' and its
1053 exercise of §230 and in its performance of such acts which are traditionally local governmental
1054 functions.

1055 121. Twitter is a state actor who, for its own economic benefit of legal protection, acted
1056 on behalf of Congress and through §230 to knowingly deny Sensa's both his State and US
1057 Constitutional rights and is therefore subject to regulation under the United States Bill of Rights,
1058 including the First, Fifth, and Fourteenth Amendments, which prohibit Federal and State
1059 governments from violating certain rights and freedoms.

1060 122. Although Twitter is managed by a group of executives and directors, because of
1061 their relationship with §230, the government is virtually in the board room assisting or in some
1062 cases interfering with the essential operations of Twitter.

1063 123. Twitter should not be granted or be able to claim unconditional §230 immunity as
1064 they were out of their limits, overbroad in their role of "good Samaritan" and in "bad faith", used
1065 vague singular or plural forms of content-based or behavior-based speech suppression through its
1066 Health Policy, or tools thereof, in targeting and deleting Sensa's tweet and thereby controlling a
1067 white colored Sensa's third-party political speech on its website and thereby undeservedly
1068 defeating the Constitutional claims of an injured Sensa. Political speech that is constitutionally
1069 protected under the First Amendment and Article 22 of the New Hampshire State Constitution.

1070 124. Twitter, a Quasi-government corporation chartered through an act of Congress,
1071 goes beyond merely private blocking or screening of offensive materials under a Section §230.
1072 and actively punishes and restricts "the right of an individual to speak freely [and] to advocate
1073 ideas," and to assemble peacefully in a designated public forum, as it did to Sensa. Twitter
1074 administered §230 in an Unconstitutional manner when it removed Sensa's free speech on a
1075 discriminatory content-based or subject matter viewpoint basis when it removed his tweet and
1076 banned his account in a public forum and not within the parameters of Section §230.

1077 **§230 Unconstitutional under the Commerce Act**

1078 125. Congress, unlawfully, unreasonably and contrary to law, exceeded its constitutional
1079 bounds granted by Articles [I] or [XIV] of the Constitution, Part I, Article 22 of the New
1080 Hampshire Constitution and lacks authority under Article I, Section 8 of the Constitution,
1081 specifically under the Commerce Clause, to regulate and/or police and Americans speech
1082 specifically through §230 as it is not a valid exercise of Congress' commerce powers as public
1083 speech or the criminal nature of speech are entirely noneconomic. Similarly, true threats or
1084 inciteful crimes of speech are not, economic activity and are more aptly to be governed by State
1085 or local Criminal laws. The economic necessities outlined in §230 should not provide cover for
1086 government-supported infringements of speech as exchanging ideas is free and no money is
1087 exchanged.

1088 126. Congress, under any Commerce act or regulation, lacks the authority to regulate
1089 and/or suppress noneconomic speech or criminal conduct under §230 based solely on that
1090 conduct's aggregate effect on interstate commerce as police powers lie within the States and not
1091 with the Federal Government. When applied, §230 creates a substantial expansion of federal
1092 authority to regulate persons not otherwise subject to such regulation.

1093 127. Congress has exceeded its constitutional bounds in passing §230 as in our federal
1094 system, the National Government possesses only limited powers where the States and the people
1095 retain the remainder. Police power, such as punishing street crime, regulating speech or behavior
1096 is possessed by the States and not by the Federal Government.

1097 128. Because the police power is controlled by 50 different States instead of one national
1098 sovereign, the facets of governing that touch on citizens' daily lives are normally administered by
1099 smaller governments closer to the governed. The Framers thus ensured that powers which "in the
1100 ordinary course of affairs, concern the lives, liberties, and properties of the people" were held by
1101 governments more local and more accountable than a distant federal bureaucracy.

1102 129. §230 prohibits the freedom of speech under the U.S. Constitution Article [I]
1103 Freedom of expression and the Due Process and Equal Protections clauses within Articles [IV]
1104 and [XIV] and allows these freedoms to be regulated in a discriminatory manner.

1105 130. §230 restricts the right of individuals to speak freely in public forums and violates
1106 freedom of speech rights under Part I, Article 22 of the New Hampshire Constitution which are
1107 inviolably preserved for New Hampshire Citizens and should not be subject to encroachment by
1108 any new regulations.

1109 131. In passing §230, the legislature subbed out the Executive's policing duties and
1110 therefore usurped the Judicial remedies available to Citizens for violations of Federal or State
1111 Constitutions.

1112 132. In passing §230, the legislature overrode the entrenchment clause under Part I,
1113 Article 22 of the New Hampshire Constitution and the due process rights that accompany it without
1114 any type of strict scrutiny which would have examined restrictions or regulations with regard to
1115 content of speech prior to it passing into law. (See *Congressional Records*) Part I, Article 22 of

the New Hampshire Constitution protects Sensa's free and political speech, which was reasonably exercised, in public forums even when the forums are privately owned.

133. In any forum, §230 is unconstitutionally vague, overbroad and viewpoint discriminatory on its face under Part I, Article 22 of the New Hampshire Constitution and the First Amendment of the United States Constitution as it authorizes and encourages arbitrary and discriminatory enforcement, enabling State Actors to administer a policy on the basis of impermissible factors. As a prior restraint that regulates speech based on its content, §230 is presumptively unconstitutional. §230 is also unconstitutionally vague and overbroad because no one can decipher its meaning, it permits and encourages arbitrary and discriminatory enforcement, and it lacks any plainly legitimate sweep.

134. §230 is also facially overbroad because a substantial number of its applications such as removing speech “taken in good faith” and speech “otherwise objectionable” are unconstitutional and viewpoint discriminatory on their face because it fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits and it authorizes or even encourages arbitrary and discriminatory enforcement.

135. Even assuming §230 has a plainly legitimate sweep that targets obscene, lewd, lascivious, filthy, excessively violent, harassing, the regulation can be used to censor any expression or word that is critical, negative, or controversial or is capable of a critical, negative, or controversial interpretation regardless of whether it constitutes an accusation of moral turpitude or whether the speech is “constitutionally protected or not”.

136. Accordingly, §230 is unconstitutionally overbroad because a substantial number of its applications are unconstitutional when judged in relation to a purported legitimate sweep that

reaches accusations of moral turpitude and laws must provide explicit standards for those who apply them.

CLAIM I
(For Violations of U.S.C. §1981)

137. Sensa incorporates by reference each and every paragraph, tweet, article, exhibit or attachment included in this document as though set forth fully herein.

138. 42 U.S.C. §1981, regulates private conduct as well as governmental action and prohibits race discrimination in the enforcing of contracts against or in favor of, any race.

139. Sensa is a white person and a member of the white race. At all times mentioned herein, Sensa tweeted, posted, communicated, acted, represented, displayed, behaved and portrayed himself to be a white person and a member of the white race who followed, replied and conversed directly, relaying his many political views to many politicians, members of Congress, newspapers, other MAGA followers, including the @realDonaldTrump and other DPF's on Twitters public forum, Twitter.com. Through this Twitter account, Sensa was a daily active user looking to learn, promote and drive traffic to a potential blog site, converse in political speech, among other things, using Twitter's services and public forum. (See Exhibit E, Sensa's Twitter Profile.)

140. By a preponderance of the facts recorded herein, a reasonable factfinder could rationally conclude that significant circumstances contribute to the inference of discrimination of at least thousands of whites, including Sensa, silenced or otherwise oppressed by Twitter locking or banning their contracts, and that these facts demonstrate Twitter's and that of its Workforce, state of mind(s) and that race made a difference in Twitter's decisions and raises an inference that Twitters legitimate reasons such as Health Policies were not it's true reasons for locking and banning the contracts of a white Sensa and other white users, but were a devised pretext for mass

1163 discrimination as a result of the anti-white racial animus held by Twitters', CEO, officers, directors
1164 and/or managers, employees and/or agents and that these facts demonstrate the prima facie
1165 elements of discrimination which include acts to deprive Sensa and other similarly situated white
1166 users of equal protection of, and equal privileges and immunities under the laws, in which Sensa,
1167 and the others were treated less favorably than others who are non-white and that this treatment
1168 was because Sensa and other whites, are or were perceived to be white or behaving white, and was
1169 not accidental. Additionally, Twitters' CEO, officers, directors and/or managers knowingly and
1170 maliciously devised, participated in and condoned the discriminatory conduct as they used their
1171 new Health Policy initiative as a pretext to discriminately remove or ban for life the contracts, of
1172 perceived or actual white owned accounts like Sensa's. These accounts did not need to be
1173 oppressively ban as Twitter already had a processes in place that would remove any violative
1174 tweets not within their policies. Thus, Twitter needlessly and maliciously locked then banned
1175 Sensa's tweets and contract when it should have known, that [it] had already demonstrated that it
1176 could, among other things, simply delete the violative tweet and not ban his contract.

1177 141. Great discrepancies in the punishments received by Sensa and by whites in these
1178 exhibits mentioned above, in contrast to Sensa's non-white peers, yields a reasonable inference
1179 that, in the fall and early winter of 2019, Twitter intentionally discriminated against Sensa because
1180 he was white, while simultaneously, similarly situated non-whites were treated differently even
1181 though they have committed similar or worse acts, which gives the appearance of racial disparity
1182 in the issuing of discipline for virtually the same or less infraction and invokes the notion of
1183 treating two persons differently on the basis of a certain characteristic that only one possesses.

1184 142. When Twitter purposely and discriminately locked and then banned Sensa's
1185 contract and services, Twitter impaired the 'contractual relationship' under which Sensa had

rights." Twitter denied Sensa the right to these services, the right to make and expand the contract to include these and other services and to the benefits or privileges of their contractual relationship. And while Twitter purposely deprived Sensa of services, similarly situated users outside Sensa's protected class, who had signed identical contracts similar to Sensa, were not denied the same services. Twitter allowed non-Whites to speak their minds and behave as non-whites, while denying whites like Sensa this advantage.

143. Twitter had a duty to Sensa and their other white customers not to discriminate against whites while promulgating or enforcing its rules or contracts and failed to provide Sensa the full benefits of his contract when it banned his account and contract because he was white and/or behaving white. Twitter knew Sensa used Twitters services on a daily basis and it was Twitters intent to prevent Sensa from doing so on any meaningful basis because he was white and/or behaving white. But for Sensa being white, he would not have been harmed or injured and would not have suffered the loss of legally protected rights, and that if he were non-white, he would be enjoying the benefits of his contract with Twitter.

144. Sensa fully intended to continue with the contract as an active user but was, unless enjoined, prohibited from doing so because Twitter imposed additional conditions on Sensa to behave unlike his own race. These additional conditions, such as walking talking, acting, displaying, behaving or portraying himself to be a non-white, were placed on Sensa and denied Sensa his right to contract and to enjoy all benefits, privileges, terms and conditions of the existing contractual relationship Sensa shared with Twitter.

145. As long as Sensa remains banned, or is enjoined, Sensa cannot use, engage or directly converse with the President or any other Official Representatives' tweets. Sensa has only a "limited" ability to observe @realDonaldTrump tweets and replies, and he cannot use or reply

1209 to tweets or replies to tweets or participate in political discourse or speech with anyone in the
1210 Twitter public forum, including the President. And as long as Sensa remains banned from Twitters
1211 public forum, his ability to communicate using the Twitter public forum platform will continue to
1212 be so limited and absent some unforeseen change to his banned status, he will continue to
1213 experience that harm or a cognizable injury-in-fact, in a personal and individual way, so long as
1214 he is banned. Sensa's only redress to prevent further and continued injuries, is through a favorable
1215 declaratory or injunctive relief.

1216 146. Upon information and belief, "the officers, directors, or managers of Twitter" had
1217 to have participated in or condoned the discriminatory conduct carried out by its agents,
1218 employee's or other contractors or actors. These agents, employee's or other contractors or actors,
1219 knew or should have known that their discriminatory actions could likely result in injury, damage,
1220 or other harm to Sensa and to other whites.

1221 147. Twitter's discriminatory acts of locking and then banning Sensa's contract because
1222 he was white, was willful and done purposely and deliberately in violation of the law as Twitters
1223 acts were done knowingly, with the set purpose of removing whites from its public forum, and
1224 failed to yield to reason, and unless enjoined this will continue to happen to other whites in Twitters
1225 public forum.

1226 148. Twitter did not have to ban Sensa forever. It could have used its workforce,
1227 algorithms or journalists to delete tweets or it could have let anyone who might be offended to
1228 block Sensa from their view and demonstrates Twitter's reckless indifference to the rights of
1229 whites and those of Sensa.

1230 149. The above-described conduct violates 42 U.S.C. § 1981, which prohibits interference
1231 with the right to make and enforce contracts on account of race.

1232 150. As a result of the above-described discrimination, Sensa suffered equitable losses
1233 when he lost his followers, important contacts, news contacts and materials posted; compensatory
1234 damages in equipment, apps or software purchased and designed to enhance his Twitter public
1235 forum platform in order to drive traffic to his proposed blog, with expectation damages of lost
1236 profits to be determined at trial.

1237 151. As a direct and proximate result of Twitter's discriminatory acts, Sensa suffered
1238 damages in the amount of \$250,000,000, and continues to suffer, including, but not limited to,
1239 insult, pain, embarrassment, humiliation, emotional distress, mental suffering, and injury to his
1240 personal and professional reputations, including general or special damages, costs, and other out-
1241 of-pocket expenses.

1242 152. Sensa is entitled to injunctive and declaratory relief, along with costs, reasonable
1243 attorney fees and expert witness fees pursuant to 42 U.S.C. § 1988.

1244 153. Twitter is and at all times mentioned herein has been a place of public accommodation
1245 within the meaning of 42 U.S.C. § 1981 and owed a duty not to discriminate against Sensa. The
1246 “but for” cause and the motivation for the above-described conduct by defendant Twitter’ CEO,
1247 officers, directors, managers, employee’s or other contractors or actors, was because Sensa is white
1248 and a member of the white race.

1249 **CLAIM II**

1250 **(For Violations of 42 U.S.C. § 2000a AND N.H.R.S.A 354-A:17)**

1251
1252 154. Sensa re-alleges and incorporates by reference each and every paragraph, tweet,
1253 article, exhibit or attachment included in this document as though set forth fully herein.

1254 155. Sensa is a white person and a member of the white race. At all times mentioned
1255 herein, Sensa tweeted, posted, communicated, acted, represented, displayed, behaved and

1256 portrayed himself to be a white person and a member of the white race when using Twitter's
1257 services at Twitter.com.

1258 156. Twitter is and at all times mentioned herein has been a place of public accommodation
1259 within the meaning of 42 U.S.C. § 2000a and NH R.S.A. 155:39-a and owed a duty not to
1260 discriminate against Sensa in its public accommodation due to his race. The "but for" cause and
1261 all of the motivation for the above-described conduct by defendant Twitter' CEO, officers,
1262 directors, managers, employee's or other contractors or actors, was because Sensa is white and a
1263 member of the white race.

1264 157. The above-described conduct violates 42 U.S.C. § 2000a and N.H.R.S.A 354-A:17
1265 which prohibits discrimination in places of public accommodation on account of race.

1266 158. By a preponderance of the facts recorded herein, a reasonable factfinder could
1267 rationally conclude that significant circumstances contribute to the inference of discrimination of
1268 at least thousands, including Sensa's, silenced or otherwise oppressed by Twitter in its public
1269 accommodation and that these facts demonstrate Twitters state of mind and that race made a
1270 difference in Twitters decision in denying Sensa's entry into its public accommodation and raises
1271 an inference that Twitters legitimate reasons such as "Health" were not it's true reasons for not
1272 allowing a white Sensa and other white users into its public accommodation by locking or banning
1273 their contracts, but were merely a pretext for mass discrimination as a result of racial animus held
1274 by Twitters, CEO, officers, directors and/or managers, employees and/or agents and that these
1275 facts demonstrate the prima facie elements of discrimination which include acts to deprive Sensa
1276 and other similarly situated white users of equal protection of, and equal privileges and immunities
1277 under the laws, in which Sensa, and other whites were treated less favorably than others who are
1278 non-white and that this treatment was because Sensa and other whites, are and were perceived to

1279 be white or acting white, and was not accidental. Additionally, Twitters' CEO, officers, directors
1280 and/or managers knowingly participated in and condoned the discriminatory conduct as they
1281 maliciously used their new Health Policy initiative as a pretext to discriminately remove or ban
1282 for life, actual white persons from its public facilities. Users like Sensa, that did not need to be
1283 oppressively banned as Twitter already had a processes in place that would remove violative tweets
1284 not within their policies. Thus, Twitter needlessly and maliciously locked then banned Sensa's
1285 tweets and contract when it should have known that [it] had already demonstrated that it could
1286 silence or otherwise oppress any persons views by simply, among other things, deleting the
1287 violative tweet and not by banning his contract or entry into its public accommodation.

1288 159. As long as Sensa remains banned, or is enjoined, Sensa cannot use, engage or
1289 directly reply to the Presidents or any other Official Representatives' tweets. Sensa has only a
1290 "limited" ability to observe @realDonaldTrump tweets and replies, and he cannot use or reply to
1291 tweets or replies to tweets or participate in political discourse or speech with anyone in Twitters
1292 public accommodation. And as long as Sensa remains banned from Twitters public accomodation,
1293 his ability to communicate using the Twitter public forum platform will continue to be so limited
1294 and absent some unforeseen change to his banned status, he will continue to experience that harm
1295 or a cognizable injury-in-fact, in a personal and individual way, so long as he is banned. Sensa's
1296 only redress to prevent further and continued injuries, is through a favorable declaratory or
1297 injunctive relief.

1298 160. As a result of the above-described discrimination, Sensa suffered equitable losses
1299 when he lost his followers, important contacts, news contacts and materials posted; compensatory
1300 damages in equipment, apps or software purchased and designed to enhance his Twitter public

forum platform in order to drive traffic to his proposed blog; and expectation damages of lost profits to be determined at trial.

161. As a direct and proximate result of Twitter's discriminatory acts, Sensa suffered damages in the amount of \$250,000,000, and continues to suffer, including, but not limited to, insult, pain, insult, embarrassment, humiliation, emotional distress, mental suffering, and injury to his personal and professional reputations, including general or special damages, costs, and other out-of-pocket expenses, equitable losses when he lost his followers, important contacts, news contacts and materials posted; compensatory damages in equipment, apps or software purchased and designed to enhance his Twitter public forum platform in order to drive traffic to his proposed blog; and expectation damages of lost profits to be determined at trial.

162. Twitter's discriminatory acts of banning Sensa from its public accommodation was because he was white, was willful and done purposely and deliberately in violation of the law as Twitters acts were done knowingly, with the set purpose of removing whites from its platform, and failed to yield to reason, and unless enjoined he will continue to suffer damages and this will continue to happen to other whites in Twitters public forum.

163. Sensa is entitled to injunctive and declaratory relief, along with costs, reasonable attorney fees pursuant to 42 U.S.C. § 2000a. and expert witness fees pursuant to 42 U.S.C. § 1988.

CLAIM III
(For Violations of Constitutional Rights)

164. Sensa re-alleges and incorporates by reference each and every paragraph, tweet, article, exhibit or attachment included in this document as though set forth fully herein.

165. Sensa, at all times mentioned herein was a US Citizen and a New Hampshire resident was entitled to Free Speech, Freedom to Assemble and Freedom of Expression under Part I, Articles 22 and 32 of the New Hampshire Constitution and the U.S. Constitution Article [I]

Freedom of expression and the Due Process and Equal Protections clauses within Articles [IV] and [XIV] when in a public forum or DPF at Twitter.com.

166. Twitter, at all times mentioned herein, acting under the color of State and acting as State Actor and operating a public forum and fulfilling functions ordinarily reserved to the State in a public forum, violated Sensa's free speech rights protected by Article 22 of the New Hampshire Constitution and the U.S. Constitution Article [I] Due Process and Equal Protections clauses within Articles [IV] and [XIV] when it regulated, imposed a viewpoint or behavior based restriction to delete his tweet and then violated Sensa's freedom to assemble protected by the U.S. Constitution Article [I] and Article 32 of the New Hampshire Constitution and the Due Process and Equal Protections clauses within Articles [IV] and [XIV] when it banned Sensa's from entering its public forum, including DSF's within that public forum which are, to this day, preventing him from interacting directly with the President and other US Official Representatives.

167. Twitter, as a State Actor, owed a duty to Sensa under Part I, Articles 22 and 32 of the New Hampshire Constitution and the U.S. Constitution Article [I] Freedom of expression not to discriminate against Sensa based on a viewpoint or behavior-based restrictions in a public forum. The "but for" cause and all of the motivation for the above-described conduct by defendant Twitter' CEO, officers, directors, managers, employee's or other contractors or actors, was because Sensa is white and a member of the white race who possesses white viewpoints.

168. Twitter deprived Sensa of free speech or freedom of expression on a content or behavior-based viewpoint in a public forum without abiding by Part I, Article 22 and 32 of the New Hampshire Constitution and the U.S. Constitution Article [I].

169. By a preponderance of the facts recorded herein, a reasonable factfinder could rationally conclude that significant circumstances contribute to the inference of discrimination of

1349 at least thousands of whites, including Sensa, silenced or otherwise oppressed by Twitter's
1350 policing actions and that these facts demonstrate Twitters state of mind and that race made a
1351 difference in Twitters decisions and raises an inference that Twitters legitimate reasons such as
1352 "Health" were not it's true reasons for banning tweets and the contracts of a white Sensa and other
1353 white users, but were a pretext for mass discrimination as a result of racial animus held by Twitters.
1354 CEO, officers, directors and or managers, employees and/or agents not liking whites' viewpoints
1355 or behaviors and that these facts demonstrate the prima facie elements of discrimination which
1356 include acts to deprive Sensa and other similarly situated users of equal protection of, and equal
1357 privileges and immunities under, the laws, in which Sensa, and others were treated less favorably
1358 than others who are non-white and that this treatment was because Sensa is and or was perceived
1359 to be white and had white viewpoints, and was not accidental. Additionally, Twitters' CEO,
1360 officers, directors and or managers knowingly and maliciously participated in and condoned the
1361 discriminatory conduct as they used their new "Health" initiative as a pretext to discriminately
1362 remove tweets or replies based on Twitters viewpoint or ban for life the contracts, of perceived or
1363 actual white owned accounts like Sensa's. Sensa did not need to be oppressively banned as Twitter
1364 already had a processes in place that would remove violative tweets not within their "supposed"
1365 health policies. Thus, Twitter needlessly and maliciously banned Sensa's contract when it should
1366 have known that [it] had already demonstrated that it could silence or otherwise oppress Sensa's
1367 views by simply, among other things, deleting the violative tweet and not by terminating Sensa's
1368 contract.

1369 170. As long as Sensa remains banned, or is enjoined, Sensa cannot use, engage or
1370 directly reply to the Presidents or any other Official Representatives' tweets. Sensa has only a
1371 "limited" ability to observe @realDonaldTrump tweets and replies, and he cannot use or reply to

1372 tweets or replies to tweets or participate in political discourse or speech with anyone in the Twitter
1373 public forum. And as long as Sensa remains banned from Twitters public forum, his ability to
1374 communicate using the Twitter public forum platform will continue to be so limited and absent
1375 some unforeseen change to his banned status, he will continue to experience that harm or a
1376 cognizable injury-in-fact, in a personal and individual way, so long as he is banned. Sensa's only
1377 redress to prevent further and continued injuries, is through a favorable declaratory or injunctive
1378 relief.

1379 171. "The injury caused" by Twitter to Sensa and others —the deprivation of free speech
1380 rights for posting political views and freedom to assemble thereafter through banning, is most
1381 certainly aggravated in a unique way as Twitters' boardroom is led by executives who seek
1382 guidance and directives from Congress, content-policy teams led by employees, content
1383 moderators, independent contractors, others, in and a part of "Twitter's Workforce" who draft
1384 respective public forum' content rules, review complaints about content, and speech and behavior
1385 infractions all under the guidance and authority of §230. Even if [its] rules were produced by
1386 private consulting firms, it's not unusual for the government to hire private consulting firms and
1387 regardless, they have or would have been guided by the municipal or federal powers within the
1388 principles of §230 in the formation and the application of those rules used towards U.S. Citizens.
1389 Twitters Workforce was in fact working under the direction of Congress to aid in the policing and
1390 enforcement of §230.

1391 172. Sensa's right to free speech and his rights to assemble under the U. S. Constitution
1392 and the New Hampshire Constitution in a DPF and public forum heavily outweigh the protected
1393 private-property rights Twitter may have in its public forum as it was acting on behalf of and for
1394 the Federal Government and State Governments to regulate speech and because it is an interactive

space within DPF's such as the @realDonaldTrump account, many other members of Congress, elsewhere and where people congregate within that interactive space or DPF to discuss politics and other matters of public concern. Twitter's DPF's in many respects have replaced stumped political speeches and also acts as a typical downtown area of public gatherings and activities.

173. As a direct and proximate result of Twitters viewpoint-based and discriminatory actions, Sensa has suffered irreparable harm, including the loss of his constitutional rights, entitling him to declaratory and injunctive relief and at a minimum, nominal damages.

174. As a direct and proximate result of Twitter's viewpoint-based discriminatory acts, Sensa suffered damages in the amount of \$250,000,000, and unless enjoined, will continue to suffer, including, but not limited to, insult, pain, insult, embarrassment, humiliation, emotional distress, mental suffering, and injury to his personal and professional reputations, including general or special damages, costs, and other out-of-pocket expenses, equitable losses when he lost his followers, important contacts, news contacts and materials posted; compensatory damages in equipment, apps or software purchased and designed to enhance his Twitter public forum platform in order to drive traffic to his proposed blog and expectation damages of lost profits to be determined at trial.

175. Sensa is entitled to exemplary and/or enhanced compensatory damages, costs and reasonable attorney fees pursuant to NH R.S.A 354-A:21-a, as Twitters' acts were willful, intentional, wanton, oppressive and made with reckless disregard to Sensa and his rights under the law.

VIII. MOTION TO PROCEED ANONYMOUSLY

176. Sensa re-alleges and incorporates by reference each and every paragraph, tweet, article, exhibit or attachment included in this document as though set forth fully herein.

1418 177. Sensa motions to proceed in this action under a pseudonym name and for the Court
1419 to enter a protective order restricting the disclosure of his identity.

1420 178. Courts have allowed plaintiffs to proceed anonymously in cases involving real danger
1421 of physical harm which may occur as a result of the disclosure of Sensa's identity.

1422 179. Sensa has young children and worries that disclosure of his real name may cause
1423 them harm, given their ages and vulnerability and inability to protect themselves. (See *Doe v. Blue*
1424 *Cross and Blue Shield of Rhode Island*, 794 F.Supp. 72, 74 (D.R.I. 1992), citing *Doe v. Rostker*,
1425 *89 F.R.D. 158, 161 (N.D.Col. 1981)*). Sensa's older children are just as vulnerable as they are out
1426 and about in public spaces.

1427 180. Antifa group chants outside, vandalizes Fox commentator Tucker Carlson's home.
1428 (See [https://www.nbcnews.com/news/all/antifa-group-chants-outside-vandalizes-fox-](https://www.nbcnews.com/news/all/antifa-group-chants-outside-vandalizes-fox-commentator-tucker-carlson-s-n934131)
1429 [commentator-tucker-carlson-s-n934131](https://www.nbcnews.com/news/all/antifa-group-chants-outside-vandalizes-fox-commentator-tucker-carlson-s-n934131))

1430 181. **"Hate against Donald Trump's supporters sometimes gets swept under the rug."**
1431 (See [https://www.usatoday.com/story/opinion/2019/03/12/recent-hate-against-trump-supporters-](https://www.usatoday.com/story/opinion/2019/03/12/recent-hate-against-trump-supporters-goes-unnoticed-talker/3139501002/)
1432 [goes-unnoticed-talker/3139501002/](https://www.usatoday.com/story/opinion/2019/03/12/recent-hate-against-trump-supporters-goes-unnoticed-talker/3139501002/))

1433 182. "Liberals are now willing to target any Trump supporter for ruination." The message
1434 to anyone who dares not march in lockstep with liberalism." **"You don't matter, and we will**
1435 **target you for ruination whenever we feel like it."** (See [https://nypost.com/2019/08/08/liberals-](https://nypost.com/2019/08/08/liberals-are-now-willing-to-target-any-trump-supporter-for-ruination/)
1436 [are-now-willing-to-target-any-trump-supporter-for-ruination/](https://nypost.com/2019/08/08/liberals-are-now-willing-to-target-any-trump-supporter-for-ruination/))

1437 183. Maxine Waters mocks: **"I threaten Trump supporters 'all the time'".** (See
1438 [https://thehill.com/homenews/house/405877-maxine-waters-i-threaten-trump-supporters-all-the-](https://thehill.com/homenews/house/405877-maxine-waters-i-threaten-trump-supporters-all-the-time)
1439 [time](https://thehill.com/homenews/house/405877-maxine-waters-i-threaten-trump-supporters-all-the-time)).

1440 184. Rap Sheet: ***639*** Acts of Media-Approved Violence and Harassment Against
 1441 Trump Supporters. (See [https://www.breitbart.com/the-media/2018/07/05/rap-sheet-acts-of-](https://www.breitbart.com/the-media/2018/07/05/rap-sheet-acts-of-media-approved-violence-and-harassment-against-trump-supporters/)
 1442 [media-approved-violence-and-harassment-against-trump-supporters/](https://www.breitbart.com/the-media/2018/07/05/rap-sheet-acts-of-media-approved-violence-and-harassment-against-trump-supporters/))

1443 185. Members of the US Congress are ‘Outing’ donors to Donald Trump inviting abuse
 1444 from the public.



1445 **Joaquin Castro**

1446 Dad to see so many San Antonians as 2019 maximum donors to Donald
 1447 Trump — the owner of , owner of the
 1448 realtor Phyllis Browning, etc.

Their contributions are fueling a campaign of hate that labels Hispanic
 immigrants as ‘invaders.’

1449 (See <https://twitter.com/Castro4Congress/status/1158576680182718464/photo/1>)

1450 186. MN State Rep Was Among Antifa Mob Harassing Trump Supporters After Rally.
 1451 Before the rally, a middle-aged woman, her husband, and her 75-year-old mother were harassed
 1452 by the vicious mob as they made their way into the venue, the Minneapolis Star-Tribune reported.
 1453 (See [https://www.lucianne.com/2019/10/12/mn-state-rep-was-among-antifa-mob-](https://www.lucianne.com/2019/10/12/mn-state-rep-was-among-antifa-mob-brharassing-trump-supporters-after-rally_17593.html)
 1454 [brharassing-trump-supporters-after-rally_17593.html](https://www.lucianne.com/2019/10/12/mn-state-rep-was-among-antifa-mob-brharassing-trump-supporters-after-rally_17593.html))

1455 187. Defendants have Sensa’s name and would not be prejudiced in Sensa proceeding
 1456 anonymously but would run the risk of physical and/or mental harm to Sensa or his family.

1457 188. The interests of Twitter and/or public will not be harmed at this early stage of the case
 1458 if Sensa’s name is not revealed. Sensa is prepared to address measures to protect the confidentiality
 1459 of his identity should the Court require disclosure to the public at a later stage in the proceedings.

1460 189. For these reasons and such other reasons as may appear just to the Court, Sensa
 1461 requests that he be allowed to proceed anonymously and that the Court issue a protective order or
 1462 gag order to keep his family safe from even the slightest bit of harm.

PRAYER FOR RELIEF

WHEREFORE, as there is a substantial likelihood that Sensa will succeed on the merits of his claims, Sensa seeks the following relief in this action;

I. ORDER preliminary injunction preventing disclosure of Sensa's true identity from public disclosure.

II. Under Counts I and II, DECLARE (a) Twitter's "VFC" invalid in this case; (b) Twitters discriminatory acts towards Sensa Unconstitutional; and (c) Twitter, Inc. a "Place of Accommodation": ORDER a preliminary injunction; (a) requiring Twitter to reinstate and un-ban Sensa's Twitter account and contract to its original December 5, 2019 form, as Sensa has no adequate remedy at law; and (b) prohibiting Twitter from banning white users due to their race: ORDER a permanent injunction requiring Twitter to; (a) re-instate any account banned due to Twitters discriminatory actions and/or business practices or activities; (b) undergo an independent third-party civil rights audit and report back to the Court its findings, to ensure that [it] is free from bias and discrimination within all its business activities and commerce activities; and (c) Retain a post judgement enforcement mechanism to ensure no future commerce violations occur: ORDER civil penalties; (a) of \$5,000 for each violation found by independent third-party audit; (b) Disgorge all or part of the profits Twitter made through advertising sales while conducting the above stated violations of commerce. ENTER Judgment in favor of Sensa and against Twitter.

III. Under Count III, Declare (a) Twitters computer network a "Public Forum" under law; (b) 42. U.S.C. Section §230 unconstitutional, unconstitutionally vague, overbroad and viewpoint discriminatory on its face under Part I, Article 22 of the New Hampshire Constitution and the First Amendment of the United States Constitution under the Commerce Act; and (c) Twitter a State Actor as applied to this case; (d) Twitters view-point based discriminatory acts

unconstitutional: Order a preliminary injunction suspending Section §230: ENTER Judgment in favor of Sensa and against Twitter.

IV. As to all Counts; (a) for reasonable attorney and fees pursuant to 42 U.S.C. § 1981, § 1988 and NH R.S.A 354-A:21, and for costs and disbursements necessarily incurred herein; (b) for prejudgment interest on all Counts on the principal sum awarded by the Jury from May 4, 2020 to the date of Judgment at a rate pursuant to NH Rev Stat § 336:1; and (c) such other relief, including nominal, punitive or other damages, costs, as is just and equitable.

V. Sensa reserves his right to amend this Complaint upon discovery of additional instances of Twitters' wrongdoing.

JURY DEMAND

Sensa hereby respectfully demands a trial by jury on all issues so triable and pursuant to Federal Rule of Civil Procedure 38.

Dated: May 4, 2020.

/s/ Sensa Verogna

Plaintiff, proceeding anonymously as;

Sensa Verogna

sensaverogna@gmail.com

I, Sensa Verogna, a New Hampshire Resident over the age of 18, filing anonymously as Sensa Verogna, verify under penalty of perjury that I have read the above complaint and its contents. I also verify that, to the best of my knowledge and recollection, the matters stated in the complaint are true and correct.

Executed the 4 day of May, 2020

Sensa Verogna

Anonymously as, Sensa Verogna